

REMARKS

This Amendment is in response to the Office Action dated May 7, 2003. Claims 1-9 and 13-20 were pending in this application. By this Amendment, Applicant has added new claims 21 and 22 for consideration. Claim 14 has been amended to correct a typographical error. Reconsideration of all of the pending claims is respectfully requested.

The Examiner has rejected claims 1-9 and 13-20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,391,044 to Yadav et al. (the "Yadav patent"). However, Applicant strongly disagrees with the Examiner's position that the Yadav patent discloses a filter portion which includes a directional member made from a pliable material having properties of blocking the passage of the fluid and emboli. The figures and the portions of the specification relied upon by the Examiner in the Office Action to support this position clearly show that there is no directional member associated with the Yadav apparatus. Rather, the Yadav patent discloses the use of a filter membrane only and lacks any component which acts as a directional member. Reference is made to the sentence proceeding the reference relied upon by the Examiner in the Office Action, namely column 3, lines 8-10, which reads as follows:

The filter membrane has a pore size such that blood flow is not impeded when the filter membrane is expanded but micro- and macro- emboli are blocked.

Accordingly, this filter membrane disclosed in the Yadav patent is simply a porous filter material and does not constitute a directional member in accordance with Applicant's

claimed invention. Applicant respectfully requests the Examiner to withdraw the Yadov patent as an anticipatory reference.

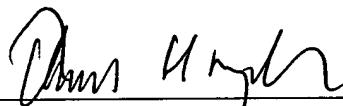
Applicant believes that newly added claims 21 and 22 recite a combination of components which are not shown in any of the cited references. Accordingly, it is believed that the newly presented claims are patentably distinct over the prior art.

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at 310 824 5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 

Thomas H. Majcher
Registration No. 31,119

THM:mjm

Enclosures:

Return Postcard

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201